

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)	
)	
v.)	Criminal No. 08-285
)	
ANTHONY JOHNSON, JR.,)	
)	
Defendant.)	

OPINION

Pending before the court is a pro se, handwritten letter dated January 9, 2020, which was sent from defendant Anthony Johnson, Jr. (“Johnson”) to the judge’s chambers. The letter was docketed as a motion for transfer to a Bureau of Prisons (“BOP”) medical facility (ECF No. 264). The motion will be resolved without a response from the government.¹

Johnson alleges that he is not receiving appropriate treatment for his serious medical conditions while incarcerated. Johnson asks the court to order the BOP to transfer him to a medical facility. Johnson is currently located at USP Canaan, a United States penitentiary located in Waymart, Pennsylvania. The court takes judicial notice that Waymart, Pennsylvania is located in the Middle District of Pennsylvania, not the Western District of Pennsylvania.

When a prisoner alleges that he is being held in custody under conditions that violate the Constitution or laws or treaties of the United States, the prisoner must direct his petition to “the person who has custody over him.” 28 U.S.C. § 2242. In other words, in habeas challenges to present physical confinement ... the default rule is that the proper respondent is the warden of the facility where the prisoner is being held.” *Bruce v. Warden Lewisburg USP*, 868 F.3d 170, 178

¹ The court notes receipt of another letter from Johnson dated January 24, 2020, and documents that appear to relate to an administrative proceeding at FCI-Schuylkill, received February 5, 2020. These documents are being returned to Johnson.

(3d Cir. 2017) (quoting *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004)). Under the “jurisdiction of confinement” rule, district courts may only grant habeas relief against custodians “within their respective jurisdictions.” *Id.* (quoting 28 U.S.C. § 2241(a)). Because Johnson and the warden of USP Canaan are not within the Western District of Pennsylvania, this court lacks jurisdiction to consider Johnson’s motion.

Johnson was previously made aware that this court lacks jurisdiction. In a status conference on March 1, 2019, which was prompted by a previous letter to chambers from Johnson, the court explained that “based on discussion with counsel for defendant and the government, it appears that the court cannot address defendant's contentions because he is in the custody of a BOP institution that is not within this court's jurisdiction.” (Minute Entry, March 1, 2019). Johnson must pursue his challenge to the medical conditions of his confinement in an appropriate forum.²

Johnson is further instructed that letters sent directly to the chambers of the judge are not appropriate and will not be accepted. Johnson must submit all future communications in the form of a motion, served on the government and sent to the clerk of court.

In accordance with the foregoing, Johnson’s motion for transfer to a Bureau of Prisons medical facility (ECF No. 264) will be denied for lack of jurisdiction, without prejudice to Johnson’s ability to pursue his allegations in an appropriate forum.

An appropriate order follows.

By the Court:

/s/ Joy Flowers Conti
Joy Flowers Conti
Senior United States District Judge

² The court makes no finding about whether Johnson properly exhausted his administrative remedies and the issue of subject-matter jurisdiction.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)	
)	
v.)	Criminal No. 08-285
)	
ANTHONY JOHNSON, JR.,)	
)	
Defendant.)	

ORDER

And now this 10th day of February, 2020, in accordance with the foregoing opinion, it is hereby ORDERED that the motion for transfer to a Bureau of Prisons (“BOP”) medical facility (ECF No. 264) is DENIED for lack of jurisdiction, without prejudice to Johnson’s right to file the motion in an appropriate forum.

By the Court:

/s/ Joy Flowers Conti
Joy Flowers Conti
Senior United States District Judge

cc:

ANTHONY JOHNSON, JR.
30077-068
CANAAN
USP CANAAN
U.S. PENITENTIARY
Inmate Mail/Parcels
P.O. BOX 300
WAYMART, PA 18472